

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

BARRY WRIGHT, )  
Plaintiff )  
v. ) 2:11-cv-00011-JAW  
ANDROSCOGGIN COUNTY JAIL, )  
Defendant )

**RECOMMENDED DECISION ON 42 U.S.C. § 1983 COMPLAINT**

Barry Wright has filed a complaint pursuant to 42 U.S.C. § 1983. However, Wright neither filed an application to proceed *in forma pauperis* nor did he pay the \$350.00 filing fee. See 28 U.S.C. § 1915(a)(2) (“A prisoner seeking to bring a civil action ... without prepayment of fees or security therefore, in addition to filing the affidavit...shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint ... obtained from the appropriate official of each prison at which [he] is or was confined”) (emphasis added).

I directed the Clerk to forward a form application to proceed *in forma pauperis*, a copy of the *Pro Se* Manual and the form complaint for prisoner 42 U.S.C. § 1983 litigation to Wright and on January 12, 2011, I entered an order that Wright file an application to proceed *in forma pauperis* or pay the \$350.00 filing fee by February 1, 2011. I cautioned Wright that if he did not comply with this directive I would issue a recommendation that this matter be dismissed for lack of prosecution. As of today's date, neither the filing fee nor the application to proceed *in forma pauperis* has been received by the court. Accordingly, I recommend that this case be dismissed, without prejudice, for lack of prosecution.

**NOTICE**

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which *de novo* review by the district court is sought, together with a supporting memorandum, within ten (10) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (10) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

/s/ Margaret J. Kravchuk  
U.S. Magistrate Judge

February 8, 2011.